

IN SENATE OF THE UNITED STATES.

AUGUST 9, 1842.

Ordered to be printed.

Mr. PHELPS submitted the following

REPORT :

The Committee on Revolutionary Claims, to whom was referred the memorial of the heirs of Joseph Wheaton, an officer of the revolutionary army, report as follows :

The memorialists represent that their ancestor, Joseph Wheaton, served as a lieutenant during the whole war of the Revolution, and that, in consideration of that service, he was placed on the pension-roll under the act of 1818 as a pensioner, at the rate of \$20 per month, but was stricken from the roll under the act approved May 1st, 1820, as being, in the opinion of the Secretary of War, not in indigent circumstances; that he was afterward, in 1827, restored to his pension; that shortly after that restoration he died, leaving the memorialists in destitute circumstances. And they pray to be allowed the amount which he would have received had the act of May 1, 1820, not been passed.

It is admitted that he was properly stricken from the pension-roll under the last-mentioned law. This being conceded, there was evidently no law under which he could have been entitled to a pension for the period intervening between May, 1820, and 1827, when he was restored. Nor, indeed, when restored, could his renewed pension have been legally allowed for the antecedent period. As the ancestor was not entitled to the pension now claimed, it is difficult to perceive any right in the heirs. Had he been entitled to it, the right to it would not be inheritable.

The committee, therefore, recommend the following resolution :

Resolved, That the prayer of the petition can not be granted.

Thomas Allen, print.

